

MEMORANDUM

DATE: May 1, 2007

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: H.B. 78 [Cell Phone Use in Motor Vehicles]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 78 which would allow mobile telephones to be used while operating a moving motor vehicle only when equipped with built-in speakers or a hands-free accessory. Under current law, drivers with a Level 1 Learners Permit may not operate a vehicle while using a cell phone. See Title 21 Del.C. §2710(c)(8). The proposed legislation would ban hand-held cell phone use by all drivers regardless of age or experience. As amended, violation of the law would be a “primary” offense for which a driver could be stopped by police and a violation would result in a \$50.00 civil penalty. This is also the model adopted for violations of Delaware’s seat belt law and camera-based enforcement of traffic signals. See Title 21 Del.C. §§801, 4101(d), and 4802. No criminal fine or points would be assessed. According to the attached committee report, the bill is supported by the Delaware State Police, AAA Mid Atlantic, the Office of Highway Safety, and Verizon. Also attached is a March 30 endorsement by the News Journal.

Consistent with the attachments, a driving-while-phoning ban has been adopted in New Jersey, New York, Connecticut, and Washington, D.C.. A ban will also take effect in California effective January 1, 2008. A similar bill banning hand-held cell phone use is pending in the Maryland legislature. See attached January 24, 2007 article. The principal rationale for such legislation is to deter distracted driving and thereby reduce traffic accidents and injuries.

SCPD endorses H.B. 92 bill subject to two amendments.

First, insert the word “device” at the end of proposed §4182B(a)(3). Compare Title 21 Del.C. §2710(c)(8).

Second, although not absolutely necessary, amend Title 21 Del.C. §801 to include a reference to the new §4182B.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Ruth Ann Minner
 Governor's Advisory Council for Exceptional Citizens
 Developmental Disabilities Council

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